

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X  
KIMMARIE NORMAN, individually and on Index No.: 22 cv 03171 ALC  
behalf of all others similarly situated,

**ANSWER**

Plaintiffs,

vs.

2038 AMSTERDAM GROCERY & TOBACCO INC.  
and 2308 ASSOCIATES LLC,

Defendants.  
-----X

The Defendant, 2038 AMSTERDAM GROCERY & TOBACCO INC., by its attorney, ENRIQUE A. LEAL, ESQ., answering the complaint of the Plaintiff herein alleges as follows:

1. Defendant denies the allegations contained in Paragraph 1.
2. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 2.
3. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 3.
4. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 4.
5. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 5.
6. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 6.

7. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 7.
8. Defendant admits the allegations contained in Paragraph 8.
9. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 9.
10. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 10.
11. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 11.
12. Defendants deny the allegations contained in Paragraph 12.
13. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 13.
14. Defendant admits the allegations contained in Paragraph 14.
15. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 15.
16. Defendant admits the allegations contained in Paragraph 16.
17. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 17.
18. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 18.
19. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 19.

20. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 20.
21. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 21.
22. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 22.
23. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 23.
24. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 24.
25. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 25.
26. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 26.
27. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 27.
28. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 28.
29. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 29.
30. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 30.
31. Defendant admits the allegations contained in Paragraph 31.

- 32. Defendant admits the allegations contained in Paragraph 32.
- 33. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 33.
- 34. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 34.
- 35. Defendant denies the allegations contained in Paragraph 35.
- 36. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 36.
- 37. Defendant denies the allegations contained in Paragraph 37 in its entirety.
- 38. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 38.
- 39. Defendant denies the allegations contained in Paragraph 39.
- 40. Defendant denies the allegations contained in Paragraph 40.
- 41. Defendant denies the allegations contained in Paragraph 41.
- 42. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 42.
- 43. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 43.
- 44. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 44.
- 45. Defendant denies the allegations contained in Paragraph 45.
- 46. Defendant denies the allegations contained in Paragraph 46.
- 47. Defendant denies the allegations contained in Paragraph 47.

48. Defendant denies the allegations contained in Paragraph 48.

49. Defendant denies the allegations contained in Paragraph 49.

50. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 50.

51. Defendant denies the allegations contained in Paragraph 51.

52. Defendant denies the allegations contained in Paragraph 52.

53. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 53.

54. Defendant denies the allegations contained in Paragraph 54.

55. Defendant denies the allegations contained in Paragraph 55.

56. Defendant denies the allegations contained in Paragraph 56.

57. Defendant denies the allegations contained in Paragraph 57.

58. Defendant denies the allegations contained in Paragraph 58.

59. Defendant denies the allegations contained in Paragraph 59.

60. Defendant denies the allegations contained in Paragraph 60.

61. Defendant denies the allegations contained in Paragraph 61.

62. Defendant denies the allegations contained in Paragraph 62.

63. Defendant denies the allegations contained in Paragraph 63.

64. Defendant denies the allegations contained in Paragraph 64.

65. Defendant denies the allegations contained in Paragraph 65.

66. Defendant denies the allegations contained in Paragraph 66.

67. Defendant denies the allegations contained in Paragraph 67.

68. Defendant denies the allegations contained in Paragraph 68.

69. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 69.

70. Defendant denies the allegations contained in Paragraph 70.

71. Defendant denies the allegations contained in Paragraph 71.

72. Defendant denies the allegations contained in Paragraph 72.

73. Defendant denies the allegations contained in Paragraph 73.

74. Defendant denies the allegations contained in Paragraph 74.

75. Defendant denies the allegations contained in Paragraph 75.

76. Defendant denies the allegations contained in Paragraph 76.

77. Defendant denies the allegations contained in Paragraph 77.

78. Defendant denies the allegations contained in Paragraph 78.

79. Defendant denies the allegations contained in Paragraph 79

80. Defendant denies the allegations contained in Paragraph 80.

81. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 81.

82. Defendant denies the allegations contained in Paragraph 82.

83. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 83.

84. Defendant denies the allegations contained in Paragraph 84.

85. Defendant denies the allegations contained in Paragraph 85.

86. Defendant denies the allegations contained in Paragraph 86.

87. Defendant denies the allegations contained in Paragraph 87.

88. Defendant denies the allegations contained in Paragraph 88.

89. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 89.

90. Defendant denies the allegations contained in Paragraph 90.

91. Defendant denies the allegations contained in Paragraph 91.

92. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 92.

93. Defendant denies the allegations contained in Paragraph 93.

94. Defendant denies the allegations contained in Paragraph 94.

95. Defendant denies the allegations contained in Paragraph 95.

96. Defendant denies the allegations contained in Paragraph 96.

97. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 97.

98. Defendant denies the allegations contained in Paragraph 98.

99. Defendant denies the allegations contained in Paragraph 99.

100. Defendant denies the allegations contained in Paragraph 100.

#### AS FOR AFFIRMATIVE DEFENSES

1. Plaintiff has failed to state any claims upon which relief may be granted.
2. No new construction or modification has taken place since July 1992.

WHEREFORE, Defendant 2038 AMSTERDAM GROCERY & TOBACCO INC., respectfully request that judgment be rendered in its favor and against the plaintiff dismissing the complaint.

Dated: New York, NY  
August 5, 2022

A handwritten signature in black ink, appearing to be 'E. Leal', with a stylized, cursive script.

ENRIQUE A. LEAL, ESQ.  
Attorney for Defendant (EL6160)  
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New York, NY 10033  
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(212) 927 5972



CERTIFICATE OF SERVICE

A copy of the foregoing Answer has been served via operation of the Court's electronic filing system this 6<sup>th</sup> day of October 2022, upon

Law Offices of James E. Bahamonde, P.C.  
Attorneys for Plaintiff



ENRIQUE LEAL, ESQ.